

**FILED**

**DEC 09 2016**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**HELENA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELIZABETH JONES POWELL, aka  
Joan Elizabeth Jones,

Defendant.

CR 16-12-H-SEH

ORDER

Upon the record made in open court,

ORDERED:

1. The Government's Motion to Permit Summary Testimony and Charts  
under Federal Rule of Evidence 611(a)<sup>1</sup> is GRANTED.

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<sup>1</sup>Doc. 24.

2. Defendant's Motion for Misjoinder/Severance of Counts I-XV of the Indictment from Counts XVI-XIX for Purposes of Trial Rules 8(a), 12(b)(3)(B)(iv) & (D) and 47 Federal Rules of Criminal Procedure<sup>2</sup> is DENIED.

3. Defendant's First Motion to Dismiss<sup>3</sup> is GRANTED in part and DENIED in part. Counts XI through XV (Money Laundering) of the Indictment are DISMISSED without prejudice.

4. Defendant's Second Motion to Dismiss<sup>4</sup> is DENIED.

5. Ruling on Defendant's Motion in Limine and Objection to Government's 404(b) Notice<sup>5</sup> is deferred pending receipt on or before December 16, 2016, and evaluation by the Court of the United States' offer of proof directed to identity of witnesses to testify about, and topics and content of evidence to be offered by the United States to demonstrate "[i]n or about the period alleged in the indictment, Powell was a frequent patron of casinos, including but not limited to Montana City Grill and Casino, Papa Ray's, and Chubby's Bar and Grill"<sup>6</sup> and to

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<sup>2</sup> Doc. 26.

<sup>3</sup> Doc. 28.

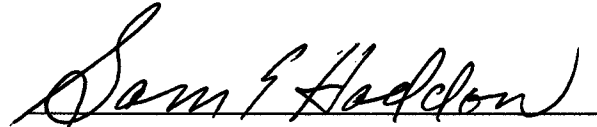
<sup>4</sup> Doc. 30.

<sup>5</sup> Doc. 32.

<sup>6</sup> Doc. 23 at 2.

which Defendant seeks to exclude on the basis “[s]uch evidence is irrelevant, does not meet the four-part admissibility test, and if admissible is unduly prejudicial.”<sup>7</sup>

DATED this 9<sup>th</sup> day of December, 2016.

  
SAM E. HADDON  
United States District Judge

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<sup>7</sup> Doc. 32 at 1.